



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|---------------------------------|-------------------------------|------------------------|
| 10/589,412 | 03/30/2007 | Antonio Celso Fonscca De Arruda | 3194-7949US | 8195 |
| 24247 | 7590 | 08/08/2007 | | |
| TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110 | | | EXAMINER NELSON JR, MILTON | |
| | | | ART UNIT 3636 | PAPER NUMBER |
| | | | MAIL DATE 08/08/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/589,412

Applicant(s)

FONSECA DE ARRUDA ET AL.

Examiner

Milton Nelson, Jr.

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/30/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/15/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

The references cited in the Search Report filed August 15, 2006 have been considered, but will not be listed on any patent resulting from this application because they were not provided on a separate list in compliance with 37 CFR 1.98(a)(1). In order to have the references printed on such resulting patent, a separate listing, preferably on a PTO/SB/08A and 08B form, must be filed within the set period for reply to this Office action.

Specification

The disclosure is objected to because of the following informalities: In line 19 on page 8, Applicant appears to assign the reference character "26" to the term "through". In line 23 and 25, Applicant appears to assign the reference character "27" to the term "fastened".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

Art Unit: 3636

applicant regards as the invention. The claims are replete with indefinite language.

Indefiniteness in the claims is so extensive that a clear understanding of that which

Applicant intends to define as the claimed invention has been greatly hindered.

Examples are as follows:

Line 1 of each of the claims provides the recitation "RESTRAINT PLATE FOR HUMANS IN VEHICLES". The recitation is vague since it is both capitalized and enclosed in quotations.

Claim 1 recites the limitation "the fact" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the shoulders" in lines 2 to 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the 3-point locking system" in line 3. There is insufficient antecedent basis for this limitation in the claim.

In line 4 of claim 1, it is unclear what structure is represented by the recitation "They".

Claim 1 recites the limitation "the anterior end" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the height" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the waist" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the fully anatomical and padded cervical protection plate" in lines 5 to 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "The two straps" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the strap (13)" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the back" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the legs" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the person" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "The same straps" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the locking system (5)" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the conventional seat belt" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the back of the safety seat" in lines 13 to 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the safety seat" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the car seat" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the car seat retractor system" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the car body" in line 17. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the point" in line 17. There is insufficient antecedent basis for this limitation in the claim.

Additionally, claim 1 has been provided in multiple sentence form. Note a period in at least each of lines 4, 6, 9, 11, 15, 16 and 18.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al (5496092). Note the belts (67a, 67b), latches (65a, 65a), and plate (29).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Warhaftig (5564788) shows a plate member for supporting a

Art Unit: 3636

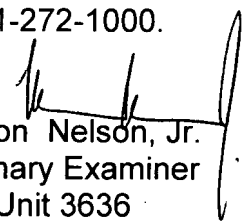
user on a chair. Gisser (5002338) shows a child restraint that includes a plate member and a harness member. Miculici et al (5449223) shows a shoulder harness that enters slots in a plate member. Howell (5641200) shows a pad member with associated straps. Weber et al (5468046) shows a harness arrangement with a plate member. A multi-point harness arrangement with an associated plate is shown by each of Williams et al (5496092) and Bolcerek (4927211).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571) 272-6861. **The examiner can normally be reached on Mon-Thurs, and alternate Fridays, 5:30-3:00 EST.**

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Milton Nelson, Jr.
Primary Examiner
Art Unit 3636

mn
August 3, 2007